

REMARKS

In a final Office Action dated July 14, 2005, the Examiner rejected claims 1-5 under 35 U.S.C. § 112, second paragraph, as indefinite for providing sufficient antecedent basis for the limitation "shared modem pool." Claims 1-4, 6-8, 10-12, 14-16 and 18 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,304,566 to Schessel, and claims 5, 9, 13 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schessel in view of U.S. Patent No. 5,721,780 to Ensor et al.

Attorney for the applicants wish to thank the Examiner for the telephonic interview conducted on August 23, 2005. During that interview, claim 1 was discussed in light of Schessel, including the lack of the system in Schessel for handling subscriber phone numbers that are "lost" due to use of a shared modem pool or similar system at the subscriber end. Further details regarding the interview are presented below. If Examiner Nguyen believes that any additional information regarding the interview is necessary, please let the undersigned attorney know.

By this amendment, claim 1 is amended to provide sufficient antecedent basis for the limitation "shared modem pool." The applicant believes that this amendment should be entered because it removes an issue for appeal (i.e., the 35 U.S.C. § 112, second paragraph rejection), and requires only a cursory review by the Examiner. As explained in the M.P.E.P., the refusal to enter a proposed amendment should not be arbitrary, and the proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified. M.P.E.P. § 714.13(III). If, for example, the Examiner believes that certain portions of this present amendment would be acceptable as placing some of the claims in better form for appeal if a separate paper were filed containing only such amendments, please let the applicant know, as instructed by the M.P.E.P. M.P.E.P. § 714.13(III).

A. Section 102 Claim Rejections

Schessel fails to disclose that "the telephone call placed through the shared modem pool to the public telephone network includes the user's telephone number in addition to, or in lieu of, any telephone number associated with the shared modem pool." Again, Schessel discloses the modem pool at an opposite end of the user's connection, namely at the ISP. This modem pool would not include the "user's telephone number." Possibly more importantly, Schessel discloses only providing a single telephone number, namely an E.164 number. This number is associated with the subscriber. There is no discussion of the problem, let alone the solution, to the subscriber's number being lost when calls are made outbound to the network via a modem pool having their own modem phone numbers. Indeed, Schessel notes that the local area network (LAN) can access an ISP with "a direct leased line." Such a leased line may often have associated with it a single telephone number, or numbers of equipment connecting the LAN to the leased line. This number or numbers would be provided to the central office, as opposed to any subscriber numbers associated with users connected to the LAN. Schessel fails to disclose "encapsulating" a subscriber's phone number in a transmission made over a LAN, where equipment between the LAN and the PSTN/Central Office (CO) has its own phone number that is received by the CO.

During the telephonic interview, the Examiner agreed that Schessel failed to disclose providing a subscriber's number in addition to, or in place of, a phone number associated with any modem pool. Applicant believes that the previously pending claims were allowable based on the language presented, namely use of the term "in lieu of." The American Heritage Dictionary, Second College Edition, states that "in lieu of" means "in place of; in place of". Thus, the applicant believes that the previously pending claims are allowable. Nevertheless, in light of the telephone interview, claims 1, 10 and 15 are amended to replace "lieu" with "substitution" or "place." Applicants believe that the claims are now in allowable form. Moreover, such amendment should be entered because such changes were already at least inherent in the previously pending claims, and thus do not

present new issues that would require any further consideration or search. Likewise, such amendments do not raise the issue of any new matter and do avoid the rejections set forth in the last Office Action. M.P.E.P. § 714.13(III).

(Claim 6 as previously pending recited the forwarding of the subscriber's unique telephone number to the public telephony network to provide for appropriate billing, and thus no amendment is believed required.)

B. Section 103 Rejections

Claims 5, 9, 13 and 17 were rejected as unpatentable over Schessel in view of Ensor et al. Since the independent claims upon which these claims depend are allowable for the reasons noted above, these claims are then likewise allowable for at least the above reasons.

C. Conclusion

Overall, the applicant respectfully submits that independent claims 1, 6, 10, and 15 are patentable over the applied references. Since these independent claims are allowable, based on at least the above reasons, the claims that depend from them are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, Examiner Nguyen is respectfully requested to point out specifically where such teaching may be found.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If Examiner Nguyen has any questions or believes a telephone conference would expedite prosecution of this application, he is encouraged to call the undersigned at (206) 359-3599.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 36438.8058US from which the undersigned is authorized to draw.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 364388058US from which the undersigned is authorized to draw.

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Respectfully submitted,

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